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SUBJECT: COLOMBIA'S CLOUDY ELECTIONS PANORAMA

REF: A) BOGOTA 2833; B) BOGOTA 3145; C) BOGOTA 3047; D) BOGOTA 2772  
E) BOGOTA 3097; F) BOGOTA 3269; G) BOGOTA 3408

CLASSIFIED BY: Brian A. Nichols, DCM; REASON: 1.4(B), (D)

SUMMARY

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1. (SBU) As the May 30, 2010 presidential election draws nearer, campaigns have begun and the field of candidates is slowly being whittled down. However, the potential referendum to allow President Uribe to run for a third term combined with missing electoral rules of the game (especially regarding campaign finance) have created an atmosphere of uncertainty that dominates the Colombian political landscape. This uncertainty also affects the March 14 national legislative elections, in which Colombians will select the entire Senate and House. If President Uribe does not run for reelection, the eight candidates listed below currently stand the best chance to succeed him. The Ambassador is meeting with the candidates individually to learn their policy priorities and ensure continued bilateral cooperation. Given the vast popularity of Uribe and his policies, nearly all candidates include a continuation of his "Democratic Security" in their platforms plus a wide range of social and economic proposals. Since a third of Congress has been or is under investigation for having received funding from paramilitary and criminal groups, pre-election monitoring and campaign finance transparency will likely be keys to successful elections in 2010. Post plans to participate in monitoring efforts, and will pay special attention to post-conflict consolidation areas. End Summary.

THE SHADOW OF AN URIBE THIRD TERM

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2. (SBU) The proposed referendum to again modify the constitution to allow President Uribe to seek a second reelection was initiated through the submission of citizens' signatures, and not by the Congress or the Executive. The Congress approved the referendum bill on September 2, but the process by which it was initiated and approved is currently under review by the Constitutional Court (ref A). Court President Nilson Pinilla told the media on October 22 that the Court's final ruling would not come until next year, with politicians estimating a February decision. Even if the Court

allows the referendum to proceed, the timeline to organize the actual referendum vote and mobilize the electorate will be tight. Mario Solano, Secretary General of Uribe's "U" Party, told us on October 21 that March 7 is the current target date to hold the referendum. Presidential contenders will not know whether they will face the formidable Uribe, who has maintained 70% approval ratings, until just two months before the presidential elections. The Uribe specter not only affects opposition strategies, but also pro-Uribe candidates who have a hard time campaigning aggressively while Uribe's hopes remain alive.

13. (SBU) Further complicating matters, President Uribe has yet to declare his intentions clearly. Uribe's Delphic comments, seeking a complete continuation of his policies but noting the desirability of change in presidential leadership, seem to be part of a strategy to paint the referendum as "the will of the people" and not the President's ambition, thus distancing Uribe from other Latin American leaders who have perpetuated themselves in power. Uribe's silence has led to rampant speculation over whether he intends to run, with some saying that his Administration and party have expended so much political capital on the referendum that he clearly wants reelection badly, and others hoping that Uribe's conscience is telling him that a 12-year presidency would be bad for Colombian democracy (ref B). Even if Uribe does not run, by keeping the referendum possibility alive, he is avoiding lame-duck status and further consolidating control over the Congress and other institutions.

14. (C) Whatever his intentions, Uribe can not easily declare himself a candidate while the constitution prohibits a third term. Under the "Law of Guarantees" developed four years ago when Uribe was allowed to run for a second term, a sitting president must declare his/her candidacy six months before elections (November 30 in this case) and abide by rules intended to minimize the advantage a sitting president has in campaigning. The referendum will not be held before November 30, so Uribe faces a legal conundrum: he can not declare his candidacy because the constitution prohibits a third term, but he is required to declare his candidacy six months before the election. Theories abound as to how Team Uribe will overcome this next hurdle, including that the deadline will be ignored by arguing that the referendum is a "higher law" or that Uribe will make a conditional declaration to meet the deadline: "if the referendum is approved, I will be a candidate." The current preference, according to Solano, is to have Congress eliminate the deadline given the circumstances (Comment: This seems unlikely since only three weeks remain to get this change through the legislature. End comment). In order to avoid further legal traps, Solano told us that President Uribe will voluntarily comply with the other restrictions imposed by the Law of Guarantees, even if he is not yet an official candidate. However, Uribe has not yet made any formal commitment to clear up this grey area.

VOID IN ELECTORAL RULES

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15. (SBU) Besides the push for the referendum, the most common complaint we hear from candidates and political parties is that Congress has yet to approve the implementing law to regulate political reforms passed earlier this year. This means, for example, that candidates do not know the campaign finance rules (including how much funding they can receive from the government), the penalties for receiving support from criminal groups, how transportation for elections will be organized, the rules for interparty primaries, or if there will be a quota of women that must be included in party lists for congressional elections. A joint Senate/House committee is currently attempting to reach agreement on an implementing law that will be presented to the full Congress for a vote, but the fact that nearly all legislators are

candidates themselves has made consensus difficult and will weaken sanctions for wrongdoing.

¶6. (C) Opposition parties are also wary of ruling coalition attempts to skew the rules of the game in their favor. For that reason, presidential candidate Rafael Pardo said on October 27 that his Liberal Party would boycott the vote on the implementing law. Uribe opponents also decry the uncertainty in the application of the Law of Guarantees to the President if he indeed becomes a candidate. High-ranking Alternative Democratic Pole Party (Polo or PDA) officials complained to us on October 21 that Uribe uses his near-weekly town halls and media appearances for campaigning, and admitted that Uribe was likely to win the referendum and then the election by a landslide. They added that Uribe's team used the party switching period allowed in the reform (ref C) to buy votes for the reelection referendum. The uncertainty in the rules of the game with national elections in March and May especially hinders planning by Colombia's smaller parties and independent candidates (see ref D for election calendar and mechanics). Green Party presidential pre-candidate Antanas Mockus lamented on October 27 that his campaign depends on state funding and that legislators may reduce funding to parties that obtain a low number of votes in elections.

#### TOP 4 PRESIDENTIAL CONTENDERS

#### FROM OPPOSITION PARTIES

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¶7. (C) Out of the opposition and independent candidates hoping to succeed Uribe, these four, listed alphabetically, stand the best chance of making it to the final ballot:

-- Sergio Fajardo: Fajardo, a math professor who was an extraordinarily popular mayor of Medellin, spent the past five months collecting 700,000 signatures (twice the required number) to run as an independent candidate. He hopes to duplicate Uribe's independent feat in 2002. However, Fajardo has the lowest nationwide name recognition among the leading candidates (52-68%). He has already campaigned in all of Colombia's 32 departments and placed fourth in a late-September nationwide Ipsos poll, but is having a hard time competing with party machineries. Fajardo is more popular in large cities; a Gallup poll conducted October 27-November 3 in Colombia's four largest cities gave him 16 points more in name recognition, 17 more points in favorability (improving over time) and 9 points less unfavorability than the nationwide Ipsos poll conducted at the end of September. The good news for Fajardo is that he has very low unfavorability ratings, so if he can get publicity, he should climb in the polls. He is especially popular with women voters. The Gallup poll has him in a statistical tie for first with Juan Manuel Santos in all election scenarios that exclude Uribe. Fajardo may be lured into a coalition with another candidate.

-- Antanas Mockus: Mockus --a colorful, outside-the-box math professor (like Fajardo) and two-time mayor of Bogota-- is the leading candidate from the small Green Party. Though he is very popular with Bogota's citizens and has the highest name recognition of all the candidates, he stands virtually no chance of winning the presidency and will likely seek to join a coalition. Mockus ran against Uribe in 2006, receiving only 1.24% of total votes cast (4th place), and was Noemi Sanin's running mate in 1998 (they came in third, with 26.77% of total votes cast). Mockus said on October 27 that he is worried about the availability of state campaign funding and hopes to not be excluded from presidential debates. Only 4% of likely voters chose him in the Ipsos poll (7th place of the 8 candidates listed here). Like Fajardo, Mockus is much more popular in large cities (highest favorability rating of all candidates with 54% in Gallup poll) than nationwide (highest

unfavorable rating of all candidates with 44% in the Ipsos poll).

-- Rafael Pardo: Pardo, a former Minister of Defense, Senator and Peace Commissioner, emerged from a crowded field to win the opposition Liberal Party (PL) primaries. He represents the center-left moderates in the party, led by former president Cesar Gaviria who controls the party machinery. Pardo unsuccessfully tried to win the PL's nomination in 2006. Though the center-left, traditional PL has the most-developed party structure throughout the country and the largest number of members, turnout in its primaries was disappointing (ref E). The low turnout was interpreted by analysts as yet another sign of voter preference for Uribe and his policies, and rival Conservative Party (PC) leaders are sure the PC will do very well against the PL in 2010. Pardo and the PL actively oppose the reelection referendum, and are considering coalitions with German Vargas (Pardo belonged to the Radical Change Party for a couple of years), Gustavo Petro or others. Pardo tied for fifth (out of eight) in the Ipsos poll and placed fifth (out of seven, Mockus was excluded) in the Gallup poll. He placed in the bottom three in name recognition and favorability ratings in both polls.

-- Gustavo Petro: Petro is the candidate from the opposition Polo. The five-year-old Polo, a conglomeration of small parties (including communists), represents Colombia's legitimate political far left. Petro surprisingly defeated farther-left party president Carlos Gaviria in the Polo primaries (ref E). In the best performance ever for Colombia's left, Gaviria came in second to Uribe in the 2006 elections with 22% of the vote. Petro represents the moderate faction of the Polo. Given Petro's victory, the Polo is currently selecting a new party president and secretary-general, and trying to reach agreement on a party platform. The Polo is the only major party to oppose the U.S.-Colombia Defense Cooperation Agreement (DCA), and many of its members support Venezuelan President Hugo Chavez (an albatross given that Chavez is the most unpopular person in Colombia, with 88% unfavorable ratings in the Gallup poll). Other candidates are concerned that Polo will receive funding or other support from Venezuela. Despite having very low favorability and very high unfavorability ratings (worst in Gallup and second worst in Ipsos polls), Petro placed in a three-way tie for first (Ipsos) and tied for third (Gallup) in voter intent. The Polo hopes to form an anti-Uribe coalition with the PL or others.

#### TOP 4 PRESIDENTIAL CONTENDERS

#### FROM THE GOVERNING COALITION

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18. (C) These are the four candidates, listed alphabetically, from parties that support Uribe's policies in Congress who stand the best chance of making it to the final ballot:

-- Andres Felipe Arias: Arias is a pre-candidate from the traditional, center-right Conservative Party (PC). He was Minister of Agriculture under President Uribe, and is known as "Uribito" because of his close relationship with the President, their shared political views and his physical resemblance to a younger Uribe. Arias has steadfastly maintained that the PC should not put forth a candidate if President Uribe runs. If Uribe does not run, Arias would like to join forces with Santos for the elections. Arias was ahead of Noemi Sanin, his top competitor for the PC nod (primaries may occur on March 14), until he became embroiled in the Agro Ingreso Seguro scandal where wealthy landowners and political contributors received too many funds from the GOC's irrigation subsidy program. Arias' newfound notoriety could very well cost him party support. He was in a three-way tie for first in voter intent in the September Ipsos poll (with the lowest unfavorable rating of any candidate), but dropped to sixth (out of seven) in

the November Gallup poll, where for the first time, respondents who had an unfavorable image of him outnumbered those with a favorable opinion. Comparing May and November Gallup polls, Arias' name recognition rose 11 points, his favorable rating dropped 8 points and his unfavorable rating rose a whopping 18 points. At age 36, Arias may have to wait to try his luck until 2014. On the other hand, he told the Ambassador on November 10 that he now has more supporters in the House and Senate than Sanin, that legislators do not want to oppose Uribe, and that the fact that the PC primaries are scheduled for the same day as congressional elections should help Arias as congressional candidates will campaign on his behalf. Arias sees Petro --who he described as smart, politically shrewd, persuasive, and backed by a segment of the political machinery-- as the biggest threat to governing coalition candidates, followed by Fajardo --who he described as publicly popular but lacking a substantive platform and party machinery.

-- Noemi Sanin: As a former foreign minister (the first female FM in Latin America) and Ambassador to the United Kingdom, Spain and Venezuela, the charming Sanin is a household name respected for her foreign policy prowess. However, she does not have a strong party base, was unsuccessful in presidential bids in 1998 (3rd place as an independent, 26.77% of total vote) and 2002 (4th place as an independent, 5.8% of total vote), and does not yet have a solid domestic platform. This time she is running as a pre-candidate for the PC, but is not a staunch party militant. Sanin believes the PC should present a candidate even if Uribe runs. Some Conservatives have criticized her for alternating between praise and condemnation of Uribe (e.g., accusing him of having paramilitary support and of buying the reelection referendum). Sanin is competing with Arias for the PC nod, and is now the favorite to win as she has never been implicated in a major scandal. However, PC insiders told us that Sanin was not a true conservative and many conservatives would support Santos if she won the PC primary. She has alienated Santos and Arias, but the Polo president and secretary-general told us October 21 that they could agree to a coalition with her. Although Sanin had the second-best image in the Ipsos poll, she only placed fifth in voter intent. From March 2008 to November 2009, her favorable rating has dropped from 70 to 53% and her unfavorable rating has increased from 13 to 30% in the Gallup poll. She tied for third with Petro in voter intent in the November 2009 Gallup poll, behind Fajardo and Santos.

-- Juan Manuel Santos: Santos, President Uribe's former Defense Minister, is Uribe's "U" Party candidate if Uribe does not run. His website is [www.sinoesuribejuanmanuelsantos.com](http://www.sinoesuribejuanmanuelsantos.com) ("if it's not Uribe, it's Juan Manuel Santos"), and his main slogan is "reelection or Santos." Santos plans to continue Uribe's security-focused policies. Santos had the best public image of all candidates in the Ipsos poll and joined Mockus and Sanin atop the Gallup poll. He was in a three-way tie for first in voter intent in the Ipsos poll and tied with Fajardo for first in the Gallup poll. If the elections were held today without Uribe, Santos would most likely win. However, the relatively new "U" Party depends heavily on President Uribe's popularity, does not have a well-developed nation-wide party structure and is suffering financial shortfalls. An alliance with the PC would make the most sense, but Santos and Sanin do not get along. See ref F for a readout of the Ambassador's October 23 lunch with Santos.

-- German Vargas Lleras: Vargas is the president of the Radical Change Party (CR), a pro-Uribe spinoff of the PL and part of the pro-Uribe congressional majority coalition. Although he supported Uribe's second term, Vargas strongly believes a constitutional modification permitting a third term would be undemocratic. Arias described Vargas as the natural successor to continue Uribe's security policies until Vargas destroyed his chances by opposing Uribe's reelection. Vargas' opposition of the reelection referendum dashed his hopes of joining forces with the "U" Party and forced some congressmen to leave his party for the "U" or PC (ref C). His fall from grace is reflected in the polls, with only 3% of likely voters picking Vargas in the Ipsos poll and 6% in the

Gallup poll (last place in both polls out of the eight candidates listed here). On October 20, the CR Secretary General described his party as "Liberal but with security and counternarcotics teeth." Vargas told the Ambassador on October 27 that he hopes to form a coalition with the Liberals but could never form a coalition with Polo due to ideological differences. The former Senate President (and top vote-getter by far in the 2006 congressional elections) has the best defined platform thus far on a range of topics. A survivor of various assassination attempts (he lost some fingers to a bomb), Vargas would expand Uribe's security policies while increasing attention to social and infrastructure issues.

#### REDUCING THREATS THROUGH ELECTION OBSERVATION

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¶9. (SBU) Eighty-seven of the 268 members of Congress were or are under investigation in the "parapolitical scandal" from the 2006 elections (including 17 who have been acquitted). The investigations, carried out by the Supreme Court, center on the legislators' direct involvement in, or financial and other support from, paramilitary organizations. Although the scandal has faded from the headlines, it crippled the Congress and citizen confidence (54% of Gallup poll respondents had an unfavorable image of Congress). Avoiding a repeat in the 2010 elections is paramount, and some reforms aimed at increasing transparency and penalties were enacted this year. In that sense, pre-election monitoring, especially of the legislative elections, will be even more important than Election Day observation. International help, including in vetting candidate lists and strengthening party responsibility, will be crucial to clean elections. Many party leaders have expressed to us their concerns about narcotics money in campaigns. PC leaders told us on October 20 that they have already disqualified candidates and are vetting all candidates with the Comptroller, Inspector General and Prosecutor General. The PC considers reasonable doubt of wrongdoing enough to warrant disqualification, even in the absence of a legal case or conviction.

¶10. (C) Election Day violence or technical problems have not been major issues in most parts of Colombia in recent elections. However, ensuring that voting in rural or post-conflict areas goes smoothly and without criminal threats is a concern. The ability of citizens to participate freely in elections in consolidation zones will be an important step in building confidence in the state and democratic institutions. The GOC has requested an OAS observation mission, and the Embassy plans on participating in OAS and local efforts. USAID is also working with political parties and civil society election bodies to improve transparency (ref G). Fortunately, there are several well-established local and international NGOs already working on election issues, including identification of the riskiest polling locations.

BROWNFIELD